

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BLUEFIELD DIVISION

TIMOTHY S. WISE,

Petitioner,

v.

Case No. 1:20-cv-00059

**WARDEN,
FCI McDowell,**

Respondent.

MEMORANDUM OPINION and ORDER SEALING DOCUMENTS

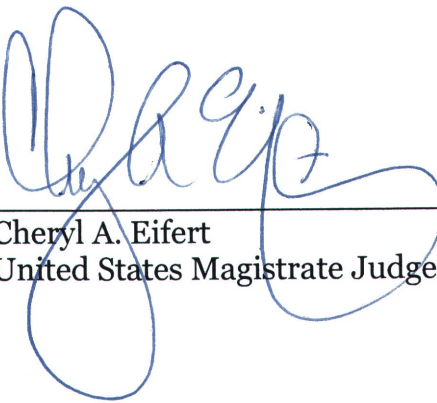
Petitioner has submitted exhibits to the Court in the instant matter. The Court notes that the exhibits contain confidential information. Due to the confidential information contained in the exhibits, and the requirement that such information not be published, the Court **ORDERS** the exhibits be sealed.

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, Petitioner's exhibits will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to

sealing the document, but in view of the confidential nature of the information, and the fact that the information is interspersed throughout the exhibits, no such alternatives are feasible at this time. Accordingly, the Court finds that sealing Petitioner's exhibits does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to Petitioner and counsel of record.

ENTERED: May 26, 2020



Cheryl A. Eifert
United States Magistrate Judge